

PATENTS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hans Martin GUNDNER et al.

Serial No. 10/019,491

BOX PCT

Filed December 31, 2001

Attn: PCT Legal Office

APPARATUS AND METHOD FOR
SAFEGUARDING ELECTRONIC
EQUIPMENT FROM THEFT

PETITION UNDER 37 CFR \$1.47(a)

Commissioner for Patents

Washington, D.C. 20231

Sir:

It is respectfully requested that the above-identified application be accepted under the provisions of 37 CFR \$1.47(a) even though three of the five listed inventors, namely Hans Martin GUNDNER, Andreas LOFFLER and Martin VEIT have refused to sign the application papers.

In response to the accompanying Notification of Missing Requirements under 35 USC \$371 in the United States Designated/Elected Office, there is submitted herewith:

1) a Combined Declaration and Power of Attorney signed by two of the five named inventors, namely, Andreas GUNNARSSON and Mattias FAHLEN, on their behalf, as well as on behalf of the three non-signing inventors;

2) an Assignment for recordation in the USPTO;

3) a Verified Statement from Mr. Henrik Johansson, the foreign patent agent who entrusted the undersigned registered

patent attorney to enter the National Stage in the United States for the above-captioned application. Mr. Henrik Johansson has firsthand knowledge of the facts surrounding the refusal to execute the application papers by the three non-signing inventors.

Mr. Johansson's Verified Statement is accompanied by separate letters sent registered mail return receipt requested to each of the three non-signing inventors at their respective last known address as follows: Mr. Andreas LOFFLER, Grabbruuneustrasse 6, D-73728 Esslingen, Tyskland, Germany; Hans Martin GUNDNER, Wartbergweg 1, D-71672 Marbach, Tyskland, Germany; and Martin VEIT, Rosenstrasse 17, D-72124 Pliezhausen, Tyskland, Germany. Enclosed to each of the letters written on January 15, 2002 to the non-signing inventors was a complete copy of the application papers as filed including the specification of International Publication WO 01/03100, the claims, a Combined Declaration and Power of Attorney as well as an assignment. The letters instructed each of the non-signing inventors to execute the application papers within a reasonable period of time (21 days), and failing to do so, would be regarded as a refusal to execute the application papers.

In his Verified Statement, Mr. Johansson declares that as of February 19, 2002, which is more than 30 days from the mailing of the respective letters to the non-signing inventors, he has yet to receive any signed documents from the non-signing inventors.

GUNDNER et al. S.N. 10/019,491

Mr. Johansson's Verified Statement is also accompanied by an e-mail from one of the non-signing inventors, namely Mr. Hans Martin GUNDNER, who emphatically and definitely states that he refuses to sign the application papers.

The Commissioner is hereby authorized to charge the requisite 37 CFR \$1.17(h) petition fee of \$130 to counsel's Deposit Account No. 25-0120. The requisite 37 CFR \$1.492(e) surcharge was previously paid at the time of filing the instant application.

In view of the above facts, and accompanying documents, it is respectfully requested that the above-captioned application be accepted under the provisions of 37 CFR \$1.47(a), even though three of the five listed inventors refused to sign.

Respectfully submitted,

04/25/2002 HNGUYEN 00000117 250120 10019491
01 FC:122 130.00 CH

YOUNG & THOMPSON

By

Benoît Castel

Benoît Castel
Attorney for Applicants
Registration No. 35,041
745 South 23rd Street
Arlington, VA 22202
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April 22, 2002

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L-O Kierkegaard*
A P Kristiansen*
H Olsson
B Rost*

Hans Martin Gündner
Wartbergweg 1
D-71672 MARBACH
Tyskland

* European Patent Attorney
** European Trademark Attorney

Our ref.

56087-66481-HJ/AJ

Your ref.

Stockholm

15 January 2002

Patent Application in USA

Dear Sir,

As you know, you are one of five co-inventors in the above-identified case. The international patent application WO 01/03100, with the United States of America as one of the designated countries, was filed on July 3, 2000. When filing the international patent application, priority was claimed from 9902532-2, a national patent application filed in Sweden.

The United States Patent and Trademark Office has requested your signature in the U.S. patent application case corresponding to the above mentioned national and international applications. Representatives from the Swedish entity IUC Sjuhärad AB, having acquired intellectual property rights from the companies Sike & Co HB and Hanzoff Security AB respectively, have informed us that you are unwilling to sign the prepared Assignment and Declaration documents.

ALBIHNS STOCKHOLM AB

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We would be most grateful if you would sign the Assignment and Declaration documents prepared, and return them to us within 21 days.

It is still possible for us to continue the prosecution of the U.S. patent application case without your signature, but the signed U.S. Assignment and Declaration, which is just a follow-up to the assignment which you signed in the corresponding Swedish case, would greatly facilitate matters.

In the absence of returned Assignment and Declaration documents within the prescribed period of 21 days, we will assume that you are unwilling to sign the documents and we will proceed the prosecution of the U.S. patent application case accordingly.

If you have any questions, please do not hesitate to contact me, either by e-mail henrik.johansson@albihns.se or by phone, +46 8 59887214 (direct) or +46 708 410413 (mobile).

Your faithfully

ALBIHNS STOCKHOLM AB



Henrik Johansson

Encl: Assignment

Combined Declaration/Power of Attorney

Patent Publication WO 01/03100 (PCT/SE00/01407)


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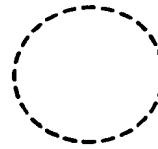
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BI 2013.09 (aug 91)

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OF COUNSEL

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Martin Veit
Rosenstrasse 17
D-72124 PLIEZHAUSEN
Tyskland

* European Patent Attorney
** European Trade Mark Attorney

Our ref.
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Your faithfully

ALBIHNS STOCKHOLM AB


Henrik Johansson

Encl: Assignment

Combined Declaration/Power of Attorney

Patent Publication WO 01/03100 (PCT/SE00/01407)

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Rec'd PCT/PTO 22 APR 2002

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Your faithfully
ALBIHNS STOCKHOLM AB


Henrik Johansson

Encl: Assignment
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Hans Martin Guendner <Hans-Martin.Guendner@fht-esslingen.de> den
2002-02-18 15:08:11

Till: "Henrik.Johansson@albihns.se" <Henrik.Johansson@albihns.se>
cc: "Magnus.Nedstrand@delphilaw.com" <Magnus.Nedstrand@delphilaw.com>, "mviet@gmx.de"
<mviet@gmx.de>, "mf@iva.se" <mf@iva.se>, "agu@connectstockholm.org"
<agu@connectstockholm.org>

Ärende: Patent Application in USA, Your ref. 56087-66481-HJ/AJ

Dear Hanrik Johansson,

With the above referenced letter, dated from January 15th 2002, you have asked me to sign several Assignment and Declaration documents concerning the international patent application W0 01/03 100.

I have decided not to sign these documents, because I still feel my information basis being much too weak. Neither did I get sufficient insight into the liquidation of Hanzoff nor have I got any new knowledge concerning the remaining rights on the said patent.

I regret that the poor information flow of the past has not been improved. But, if I understand well, my missing signature does not really affect anything.

Henrik, I'm aware that it is not you, who is responsible for my lack of understanding. Thank you for your good work.

Kind regards
Hans Martin Guendner

University of Applied Sciences
Prof. Dr.-Ing. Hans Martin Guendner
Vice President for Academic Affairs
Kanalstrasse 33
D-73728 Esslingen, Germany
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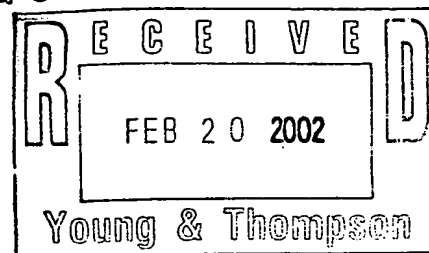
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Our ref.
56087-66481-HJ/AJ

Your ref.

Stockholm
19 February 2002

**New Patent Application in USA Corresponding to Swedish 9902532-2 –
PCT/SE00/01407- HARDWARE DESTRUCTION
Hans Martin GÜNDNER et al**

Dear Mr Castel,

This is a verified statement in the above-referenced case recently discussed by us over the phone concerning the non-signing inventors. We have tried to reach each of the five co-inventors at their last known addresses. Two of them, namely Mattias Fahlén and Andreas Gunnarsson, have duly signed the required Assignment and Declaration documents. The other three inventors, i.e. Hans Martin Gündner, Andreas Löffler and Martin Veit, have not signed the documents. At present, the inventors have had more than 21 days at their disposal, but we have not yet received signed documents in return.

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Attached you will find verifications of all the facts specified, and from these acts it will be obvious that the required documents, including the cover letter and a complete copy of the application papers, have been duly sent to the inventors per Registered mail and that Return Receipt has been requested.

With consideration to the above information, please prosecute this case further, and inform us as soon as there is anything to report. I hope that you now have the information you need. If you need anything else or have questions of any kind please do not hesitate to contact us.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Yours faithfully,

ALBIHNS STOCKHOLM AB



Henrik Johansson

Encl: Combined Declaration Power of Attorney
Assignment
Copies of letters